

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

DEVIN RAPCHAK,

Plaintiff,

v.

No. CV 19-186 JB/CG

MARK BOWEN, et al.,

Defendants.

**ORDER GRANTING LEAVE TO PROCEED PURSUANT TO 28 U.S.C. § 1915(b) AND
TO MAKE PAYMENTS OR SHOW CAUSE**

THIS MATTER is before the Court on Plaintiff Devin Rapchak's *Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1983* (the "Motion"), (Doc. 2), filed March 6, 2019. Based on Mr. Rapchak's Motion and *Inmate Account Statement*, (Doc. 12), the Court grants Mr. Rapchak leave to proceed under 28 U.S.C. § 1915(a) and (b). Because the Court grants the Motion, the filing fee for his civil rights complaint is \$350.00. Pursuant to § 1915(b)(1), Mr. Rapchak is required to make installment payments until the full amount of the filing fee is paid.

Consistent with § 1915(b)(1) and Mr. Rapchak's *Inmate Account Statement*, (Doc. 12 at 1-2), Mr. Rapchak owes an initial partial payment of \$11.52. If Mr. Rapchak fails to make a payment by the designated deadline or show cause why the payment should be excused, his Complaint may be dismissed without further notice.

IT IS THEREFORE ORDERED that the Mr. Rapchak's *Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1983*, (Doc. 2), is **GRANTED**.

IT IS FURTHER ORDERED that, by September 16, 2019, Mr. Rapchak shall send to the Clerk an initial partial payment of \$11.52 or show cause why the payment should be excused.

IT IS FURTHER ORDERED that the Clerk is directed to provide Mr. Rapchak with two copies of this Order, and that Mr. Rapchak make the necessary arrangements to attach one copy of this Order to his check in the amount of \$11.52, the initial partial payment.

IT IS FINALLY ORDERED that, after payment of the \$11.52 initial partial fee, Mr. Rapchak shall make monthly payments of twenty percent (20%) of the preceding month's income credited to his account or show cause why the designated payments should be excused.

IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read 'Carmen E. Garza', written over a horizontal line.

THE HONORABLE CARMEN E. GARZA
CHIEF UNITED STATES MAGISTRATE JUDGE